

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

American Defense Manufacturing, LLC

Plaintiff,

v.

Civil Action No. _____

Visir Inc. d/b/a RIX Optics,

JURY TRIAL DEMANDED

Defendant,

COMPLAINT

Plaintiff American Defense Manufacturing, LLC (“ADM”), for its complaint against defendant Visir Inc. d/b/a RIX Optics (“RIX”), alleges as follows:

Parties

1. Plaintiff ADM is a Wisconsin company with its principal place of business at 2525 S. 162nd St., New Berlin, WI 53151. Among other things, ADM is engaged in the business of developing and selling firearms, mounts, and accessories.

2. Defendant RIX is a Texas company with a principal place of business at 700 International Pkwy, Ste 102, Richardson, TX 75081.

Nature of Action

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*, for trademark infringement and unfair competition under the Lanham Act, 15 U.S.C. §1051 *et seq.* and for trademark infringement and unfair competition under Texas common law.

4. ADM is the owner of all right, title and interest in U.S. Patent 7,823,316 (“the ‘316 patent”) entitled *Adjustable Gun Rail Lock*, issued on November 2, 2010, a copy of which is attached as Exhibit A.

5. ADM is the owner of all right, title and interest in U.S. Patent 8,578,647 (“the ‘647 patent”) entitled *Locking Quick Release Clamp Assembly*, issued on November 12, 2013, a copy of which is attached as Exhibit B.

6. ADM is the owner of common law rights in and to the trademark “QD” for its patented auto lock system.

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332(a)(1), and 1338(a).

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(a and b).

BACKGROUND

9. In and around 2007, the named inventors of the ‘316 and ‘647 patents, Troy Storch, John Gross, William Orene, III, and Eric Kincel, developed a novel quick locking and release assembly for securely mounting devices or accessories to firearms, vehicles, or other supporting structures. This inventive quick locking and release mounting system allows a person to quickly attach and detach a mounting device or accessory to a supporting structure without tools. The mounting system is stable and reliable and does not jam even when subject to extreme conditions.

10. For example, the mounting system allows a person to place an accessory on a firearm by simply sliding the mounting system on the rail and flipping its lever(s) to lock the accessory (e.g., a thermal imager) in place on a firearm. The accessory can then be removed from

the firearm simply by unlocking the mounting system and sliding it off the rail. This allows for the easy and secure use of a user's personal accessories on multiple and third-party firearms. For example, a person serving in the military might attach his or her personal thermal imaging scope on his or her government issued firearm.

11. The inventors assigned their rights to the '316 patent to ADM between January 30, 2008 and February 7, 2008. ADM therefore owns all right and title to the '316 patent.

12. The inventors assigned their rights to the '647 patent to ADM between September 28, 2010 and February 21, 2013. ADM therefore owns all right and title to the '647 patent.

13. In and around December 2023, ADM began selling its mounting system containing the technology disclosed and claimed in the '316 and '647 patents to Rix under the trademark "QD Auto Lock."

14. In and around March 2024, RIX stopped purchasing ADM's mounting system and began selling at least one mounting system, under the name "QD Mount," (the "Accused Product") that infringes the '316 and '647 patents and ADM's trademark rights in "QD."

15. On July 26, 2024, ADM's counsel sent a letter to RIX, informing RIX that it was infringing ADM's intellectual property rights. *See Exhibit C.*

16. As such, as of at least July 26, 2024, RIX knew that it was infringing the '316 and '647 patents and the QD trademark.

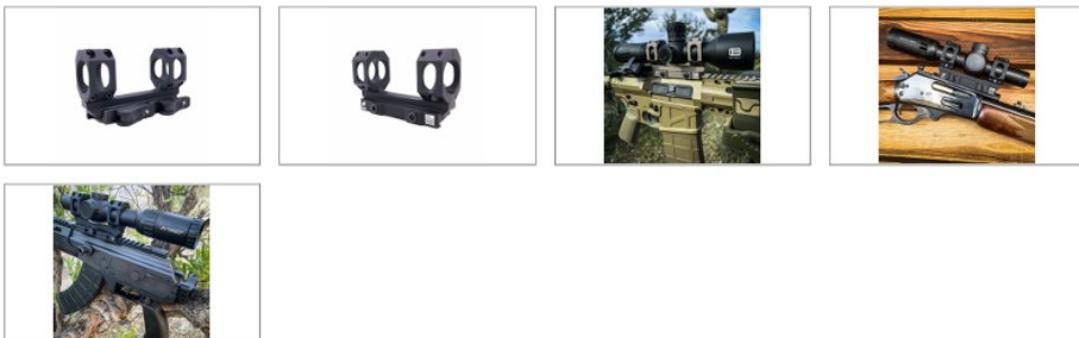
17. Despite this notification, RIX has continued to import, manufacture, offer to sell, and/or sell the Accused Product.

COUNT I – PATENT INFRINGEMENT OF THE ‘316 PATENT

18. ADM realleges and incorporates by reference the allegations in paragraphs 1 through 17 above.

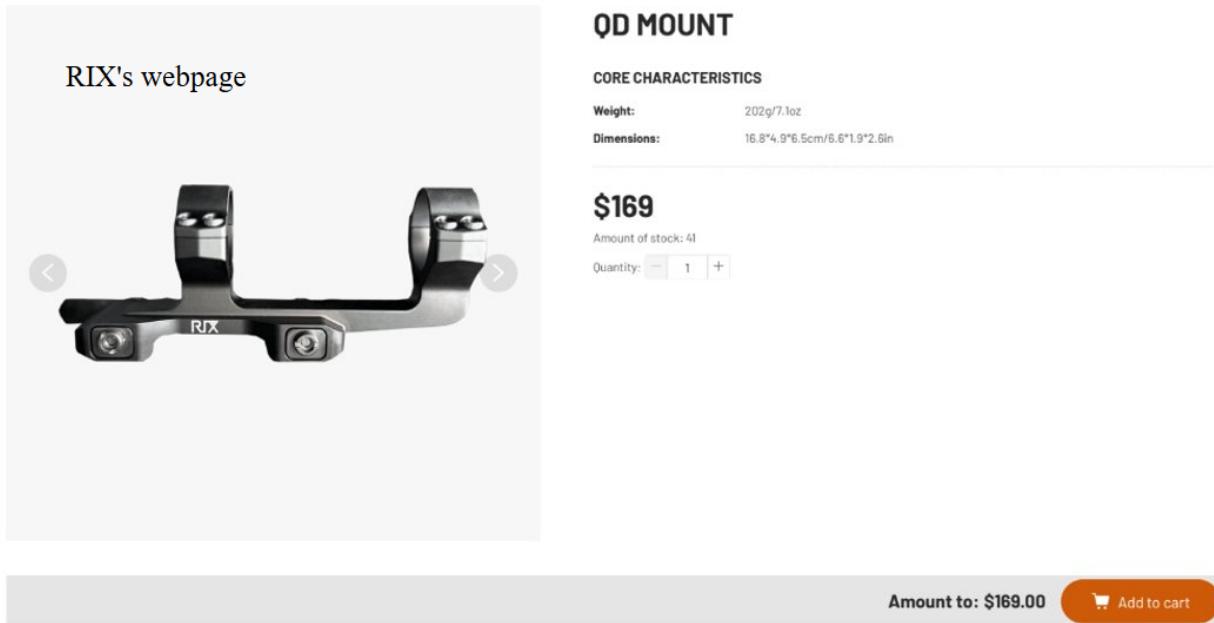
19. RIX knew ADM’s mounting system was patented at least early as February 2024. As can be seen on a screen capture of RIX’s web page from February 4, 2024, RIX copied ADM’s description of ADM’s mounting system, including ADM’s QD trademark. This copying deliberately omitted ADM’s statement that its mounting system was “patented” demonstrating RIX’s knowledge of ADM’s patent rights. *See* below and Exhibits D and E, hereto.

ADM's webpage



AD-RECON-S SCOPE MOUNT

The AD-RECON-S mount is made for putting high power glass onto a flattop style AR-10, Galil, Bolt Action Rifles, and Lever Action Rifles. This mount is best suited for the AR-10 platform or Bolt Action Rifles that are in a chassis system with a full length handguard covering the barrel. This mount will work with up to and including 56mm Objective Lenses. The AD-RECON-S is a straight up scope mount with no eye relief built in. It is precision machined from 6061 T6 aluminum and finished in hard coat T3 Mil-Spec anodize. It features the Patented QD Auto Lock(tm) Lever system to accommodate both in-spec and out-of-spec rail systems.



DESCRIPTION

RIX OPTICS QR Mount is the advanced base for Leap series and Tourer series of thermal and night vision scopes. QR mount with two 30 mm rings features two throw levers for added mount security. The quick release weapon mount attaches to the thermal scope and affixes it to any Weaver or Picatinny rail system without the use of additional tools or throw levers. Offered the 2" cantilever throws the scope out front, allowing you to get the right eye relief. It is precision machined from 6061 T6 aluminum. It features the QR Auto Lock™ Lever system to accommodate both in spec and out of spec rail systems.

20. RIX has been and is willfully infringing the '316 patent through at least RIX's sale and offer for sale of the QD Mount.

Exemplary claim for the RIX QD Mount for the '316 patent

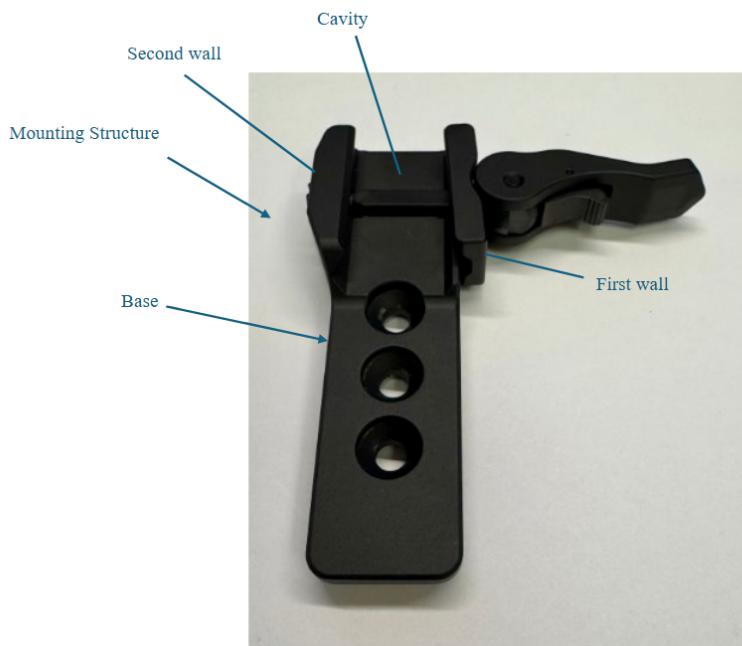
21. RIX has manufactured, sold, and/or offered to sell its "QD Mount" product that infringes the '316 patent either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the '316 patent (an independent claim) with RIX's QD Mount product, demonstrating infringement.

22. Claim 1 of the '316 patent is directed to a mount that is placed on the rail of a firearm and is used for attaching an accessory. Upon information and belief, the RIX QD Mount is compatible with the Weaver and Picatinny rail systems, rail integration systems that provide a

mounting platform for firearm accessories. The RIX QD Mount may therefore be used to attach an accessory to a firearm.

23. Claim 1 requires that the mount include a mounting structure that has a first wall.

24. As shown in the image below, the RIX QD Mount has a mounting structure which has a first wall.

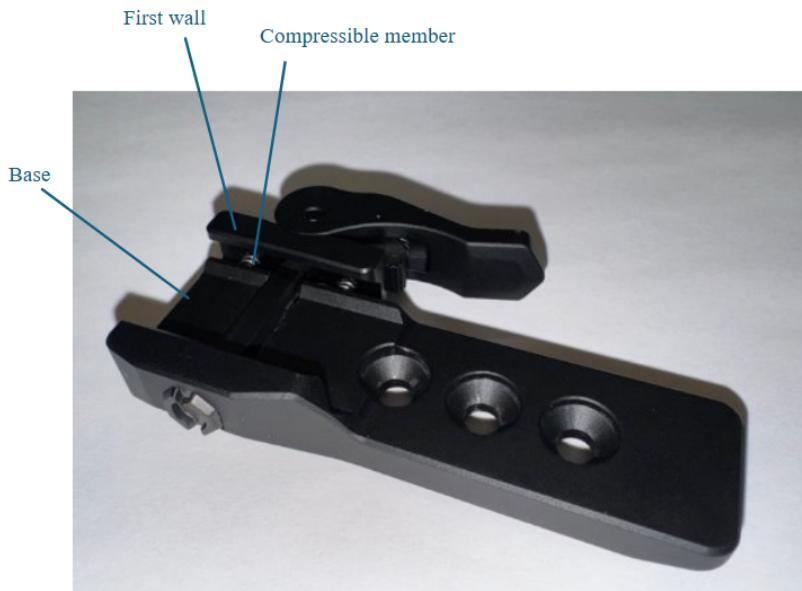


25. Claim 1 further requires a base which defines a cavity and second wall. The cavity receives the rail.

26. As seen in the image above, the RIX QD Mount has a base, cavity, and second wall. The cavity of the QD Mount receives a rail of a firearm.

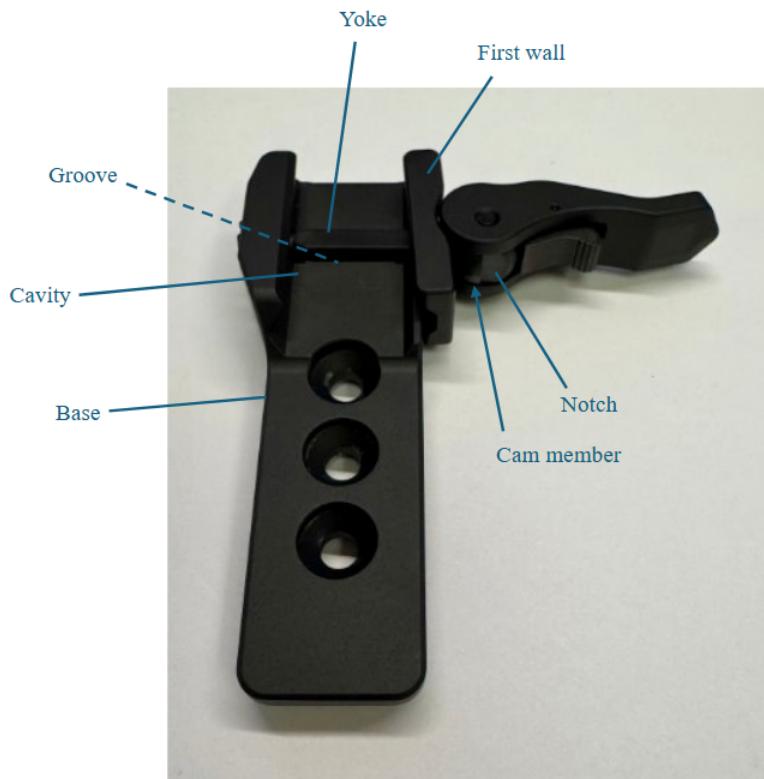
27. Claim 1 also requires that the base be biased with respect to the first wall by at least one compressible member.

28. As seen in the image below, the base of the RIX QD Mount is biased with respect to the first wall by at least one compressible member (i.e., springs).



29. Claim 1 requires that the mount have a yoke which couples the base to the first wall. The yoke extends through the first wall and further includes a cam member which has a notch on its surface.

30. As seen in the image below, the RIX QD Mount has a yoke which extends through the first wall. The yoke couples the base and first wall together. The yoke further has a cam member which has a notch on its surface.

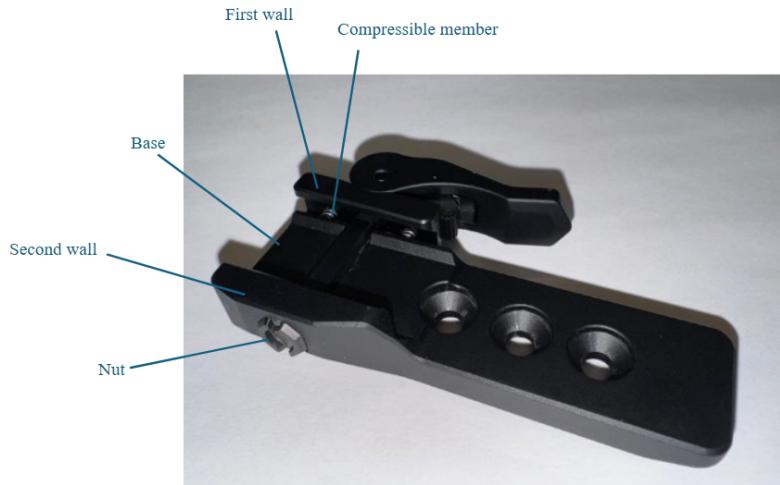


31. Claim 1 requires that a portion of the yoke is retained within a groove of the cavity.

32. As seen in the image above, a portion of the RIX QD Mount's yoke is retained within a groove of its cavity.

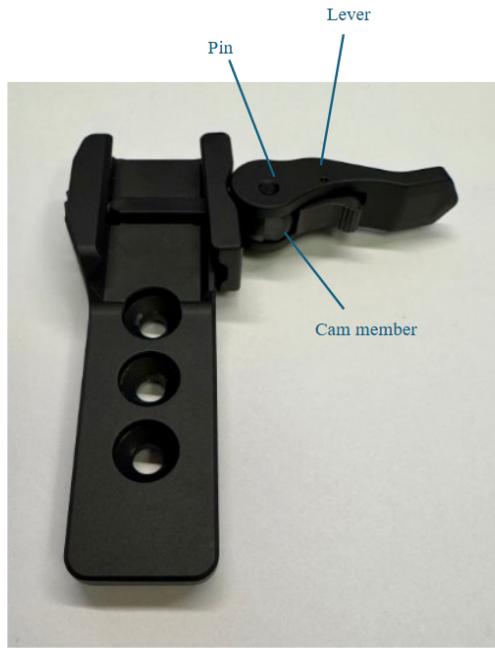
33. Claim 1 further requires that the mounting structure include a nut for adjustably securing the yoke to the second wall.

34. As seen in the image below, the RIX QD Mount includes a nut. The adjustable nut secures the yoke to second wall.



35. Claim 1 further requires that the mounting structure include a lever that is rotatably coupled to the cam member by a pin.

36. As seen in the image below, the RIX QD Mount has a lever. The lever is rotatably coupled to the cam member by a pin.



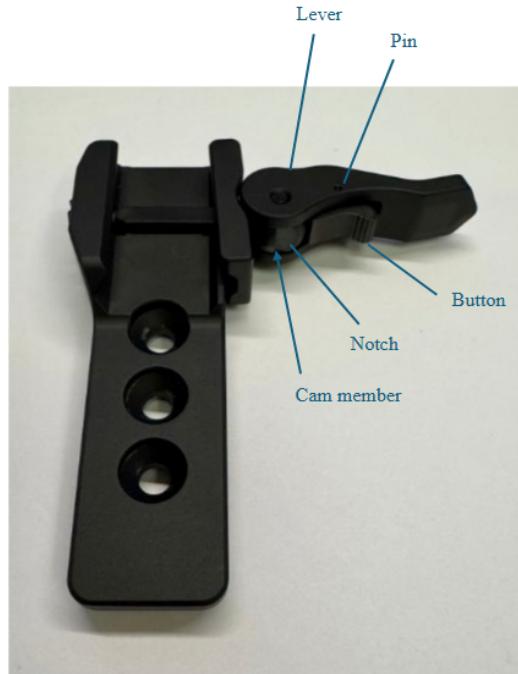
37. Claim 1 requires that the lever be configured to rotate between a first position and a second position.

38. As seen in the image below, the lever of the RIX QD Mount rotates between a first and second positions.



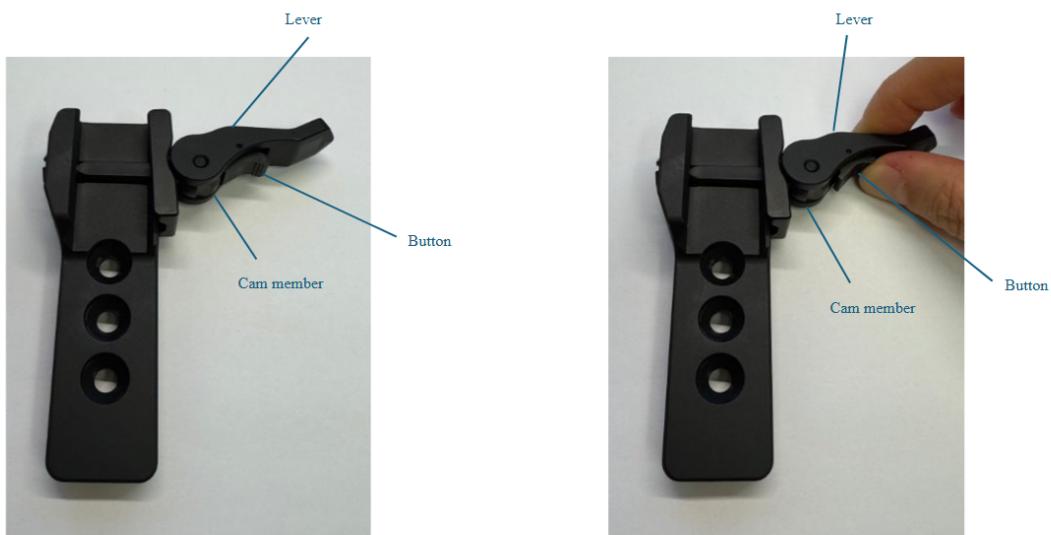
39. Claim 1 requires a button that is pivotably coupled to the lever and is configured to matingly cooperate with the notch of the cam to secure the lever. The lever is then secured with respect to the cam member when the lever is rotated to either a first position or a second position.

40. As seen in the image below, the RIX QD Mount has a button that is pivotably coupled to the lever. Its button and lever are coupled together through a pin thereby allowing the button to pivot. The button mates with the notch of the cam member to secure the lever with respect to the cam member when the lever is rotated to either the first and second position.



41. Claim 1 requires that the button of the mounting structure be depressible relative to the lever. The depressible button allows the lever to rotate with respect to the cam member.

42. As seen in the image below, the RIX QD Mount includes a button that is depressible relative to the lever and allows the lever to rotate with respect to the cam member.



43. RIX's QD Mount infringes claim 1 of the '316 patent either literally or under the doctrine of equivalents.

44. The actions by RIX have caused and are causing irreparable harm and damage to ADM which actions are willful and with malice.

45. ADM has no adequate remedy at law and is entitled to a preliminary and a permanent injunction enjoining RIX from further violation of ADM's rights.

COUNT II – PATENT INFRINGEMENT OF THE '647 PATENT

46. ADM realleges and incorporates by reference the allegations in paragraphs 1 through 45 above.

47. RIX has been and is willfully infringing the '647 patent through at least its QD Mount.

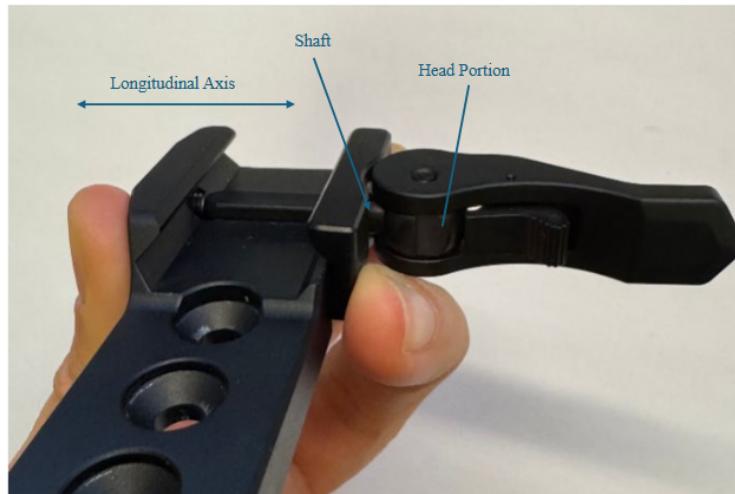
Exemplary claim for the QD Mount for the '647 patent

48. RIX has imported, manufactured, sold, and/or offered to sell its QD Mount that infringes the '647 patent either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the '647 patent (an independent claim) with the RIX QD Mount, demonstrating infringement.

49. Claim 1 of the '647 patent is directed to a system for mounting an accessory to a support structure. The RIX QD Mount is a system for mounting an accessory to a support structure. For example, the RIX QD Mount may be used to mount a thermal imager to a firearm.

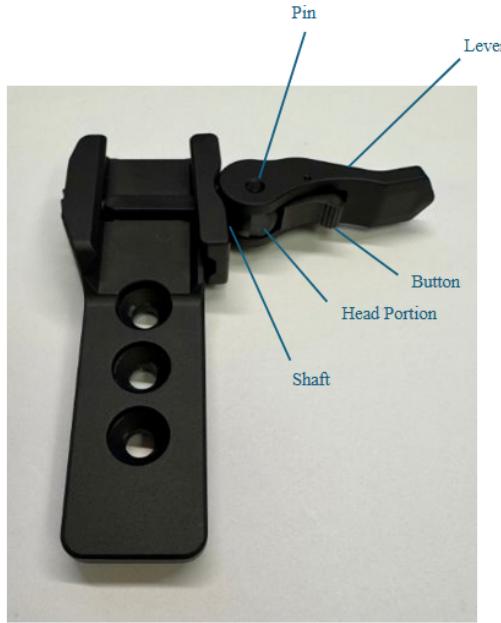
50. Claim 1 requires that the system include a shaft with a longitudinal axis. The shaft further includes a head portion formed at the end of the shaft.

51. As seen in the image below, the RIX QD Mount includes a shaft with a head portion at one end. The shaft has a longitudinal axis.



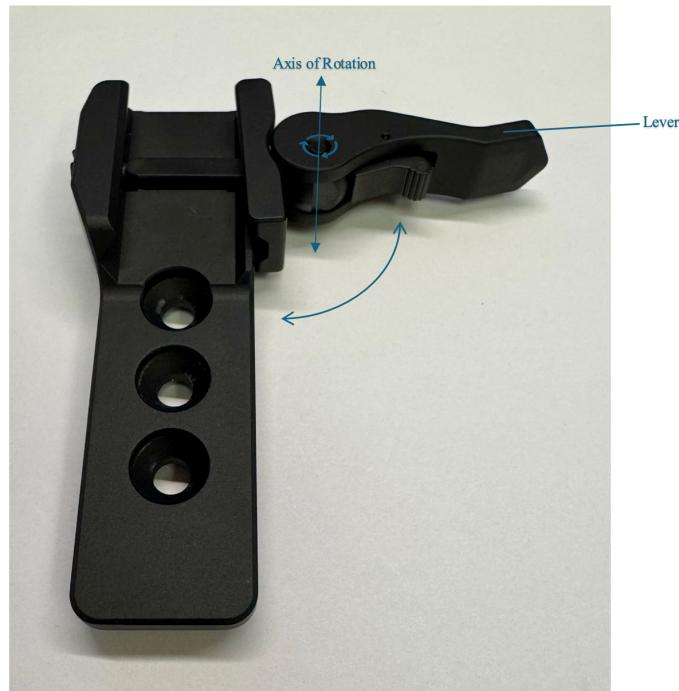
52. Claim 1 requires that the system include a lever that is connected to the head portion of the shaft by a pin. The pin extends through the head portion in such a way that the exterior surface of the head portion of the shaft remains exposed.

53. As seen in the image below, the RIX QD Mount has a lever connected to the head portion of the shaft by a pin that extends through the head portion such that the head portion remains exposed.



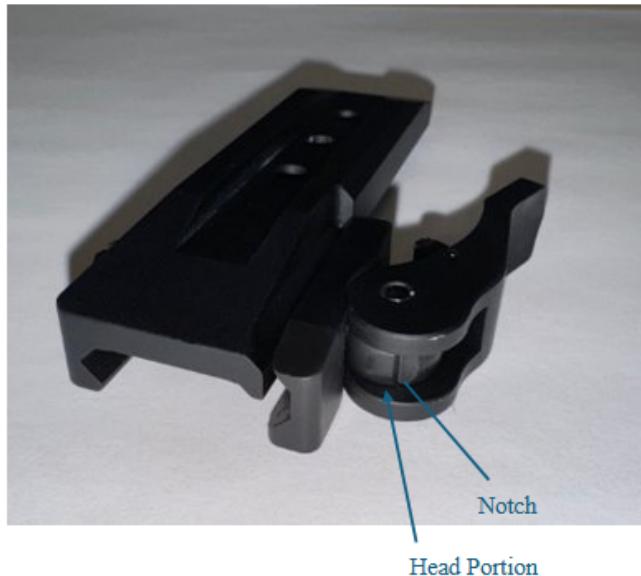
54. Claim 1 requires that the lever be rotatable about an axis that is oriented in a crossing direction relative to the longitudinal axis of the shaft.

55. As seen in the image below, the RIX QD Mount has a lever that rotates about an axis oriented in a crossing direction relative to the longitudinal axis of the shaft.



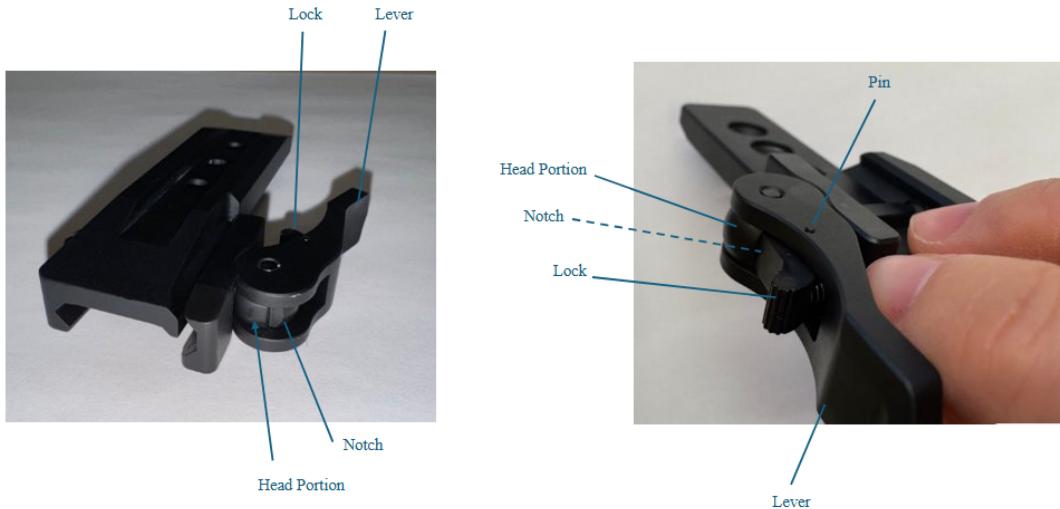
56. Claim 1 requires the system include a notch that is located in the exterior surface of the head portion.

57. As seen below, the RIX QD Mount has a notch located in the exterior surface of the head portion.



58. Claim 1 requires that the system include a lock that is pivotably attached to the lever and positioned to selectively interact with the notch formed in the exterior surface of the head portion. The lock prevents the rotation of the lever relative to the shaft when the lock is engaged with the notch.

59. As seen in the image below, the RIX QD Mount includes a lock. The lock is pivotably attached to the lever and selectively interacts with the notch formed in the exterior surface of the head portion thereby preventing the rotation of the lever relative to the shaft when the lock is engaged with the notch.



60. RIX's QD Mount infringes claim 1 of the '647 patent either literally or under the doctrine of equivalents.

61. The actions by RIX have caused and are causing irreparable harm and damage to ADM which actions are willful and with malice.

62. ADM has no adequate remedy at law and is entitled to a preliminary and a permanent injunction enjoining RIX from further violation of ADM's rights.

COUNT III – TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION UNDER TEXAS COMMON LAW

63. ADM realleges and incorporates by reference the allegations in paragraphs 1 through 62 above.

64. RIX has engaged in "passing off" its product as ADM's in that RIX copied the appearance and description of ADM's mounting system, used ADM's QD trademark, and used the same Amazon listing previously used to sell ADM's mounting system, but instead supplied, sold, and shipped its infringing QD Mount to ADM's customers, thereby damaging and harming ADM and the public. *See* Exhibits D and E.

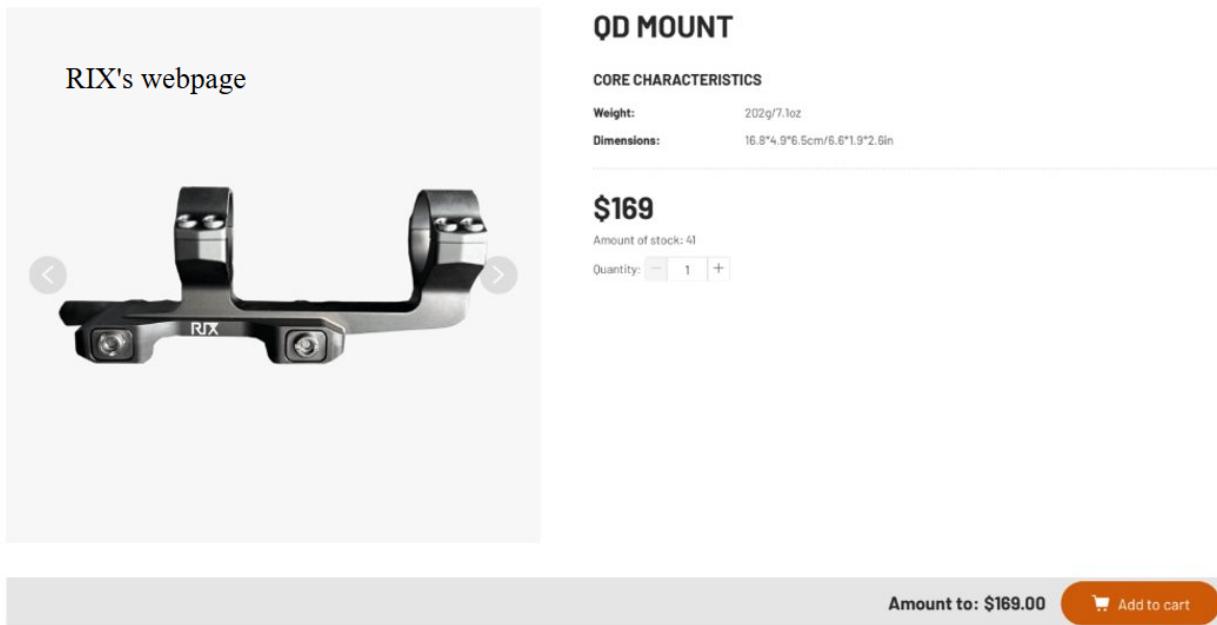
65. RIX has deliberately copied the appearance and trademark of ADM's mount system, copied RIX's content and imagery in RIX's advertisement, promotion, marketing material, and Accused Product in a manner that is likely to cause confusion as to the source or sponsorship of RIX's offerings.

66. Shown below is a comparison of ADM's mounting system and RIX mounting system.



67. Upon information and belief, RIX has deliberately copied the description of ADM's patented mount system into RIX's advertisement, promotion, and/or marketing materials without ADM's authorization in a manner that is likely to cause confusion as to the source or sponsorship of RIX's offerings.

68. Shown below is a description of RIX's QD Mount as it appeared on RIX's website on February 4, 2024. *See Exhibit E.*



DESCRIPTION

RIX OPTICS QR Mount is the advanced base for Leap series and Tourer series of thermal and night vision scopes. QR mount with two 30 mm rings features two throw levers for added mount security. The quick release weapon mount attaches to the thermal scope and affixes it to any Weaver or Picatinny rail system without the use of additional tools or throw levers. Offered the 2" cantilever throws the scope out front, allowing you to get the right eye relief. It is precision machined from 6061 T6 aluminum. It features the QD Auto Lock™ Lever system to accommodate both in spec and out of spec rail systems.

69. As seen below, RIX used substantially the same description as ADM only removing the word “patented.” *See Exhibit D.*

ADM's webpage



AD-RECON-S SCOPE MOUNT

The AD-RECON-S mount is made for putting high power glass onto a flattop style AR-10, Galil, Bolt Action Rifles, and Lever Action Rifles. This mount is best suited for the AR-10 platform or Bolt Action Rifles that are in a chassis system with a full length handguard covering the barrel. This mount will work with up to and including 56mm Objective Lenses. The AD-RECON-S is a straight up scope mount with no eye relief built in. It is precision machined from 6061 T6 aluminum and finished in hard coat T3 Mil-Spec anodize. It features the Patented QD Auto Lock(tm) Lever system to accommodate both in-spec and out-of-spec rail systems.

70. RIXalso used ADM's QD trademark without authorization, thereby infringing ADM's rights.

71. Upon information and belief, RIX previously sold ADM's mounting system on Amazon.

72. Upon information and belief, RIX stopped selling ADM's mounting system and started selling its own mounting system under the infringing "QD Mount" name using the same Amazon listing.

73. Upon information and belief, RIX did not notify potential customers or customers that the Amazon listing was for its QD Mount rather than ADM's QD mount thereby infringing ADM's QD trademark and materially misrepresenting the source or sponsorship of the mount.

74. RIX's unauthorized use of ADM's QD trademark, copying of the description and appearance of ADM's mounting system, as well as RIX's use of its pre-existing Amazon listing materially misrepresents the source or sponsorship of its mounting system and constitutes trademark infringement and unfair competition under Texas Common Law.

75. The actions by RIX have caused and are causing irreparable harm and damage to ADM which actions are willful and with malice.

76. ADM has no adequate remedy at law and is entitled to a preliminary and a permanent injunction enjoining RIX from further violation of ADM's rights.

**COUNT IV – TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION UNDER
SECTION 43(a) OF THE LANHAM ACT**

(15 U.S.C. §1051(a))

77. ADM realleges and incorporates by reference the allegations in paragraphs 1 through 76 above.

78. Upon information and belief, RIX has engaged in trademark infringement and “passing off” of its product as ADM’s in that RIX has copied the appearance and description of ADM’s mounting system, used ADM’s QD trademark without authorization, and used the same Amazon listing previously used to sell ADM’s mounting system, but instead supplied, sold, and shipped its infringing QD Mount to ADM’s customers, thereby damaging and harming ADM and the public.

79. Upon information and belief, RIX has deliberately copied the appearance and trademark of ADM’s mount system, copied RIX’s content and imagery in RIX’s advertisement, promotion, marketing material, and Accused Product in a manner that is likely to cause confusion as to the source or sponsorship of RIX’s offerings.

80. RIX’s unauthorized copying of the description and appearance of ADM’s mounting system, as well as RIX’s use of its previous Amazon listing materially misrepresents the source or sponsorship of its mounting system.

81. The actions by RIX have caused and are causing irreparable harm and damage to ADM which actions are willful and with malice.

82. ADM has no adequate remedy at law and is entitled to a preliminary and a permanent injunction enjoining RIX from further violation of ADM’s rights.

SUMMARY

83. RIX has directly infringed the '316 and '647 patents making, selling, and/or offering to sell the RIX QD Mount.

84. RIX was aware of the '316 and '647 patents prior to the filing of this lawsuit.

85. Upon information and belief, RIX knew that the use of the Accused Products would infringe the '316 and '647 patents.

86. Upon information and belief, RIX has been and is willfully infringing the '316 and '647 patents.

87. RIX will continue to manufacture, sell, and/or offer for sale the Accused Product unless enjoined from doing so, causing ADM irreparable harm.

88. RIX's conduct shows a lack of the required duty to avoid infringement of the '316 and '647 patents such that this is an exceptional case; therefore, ADM should be awarded its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

89. Pursuant to 35 U.S.C. § 284, ADM is entitled to enhanced damages for RIX willful infringement of the '316 and '647 patents, up to treble damages.

90. Pursuant to 35 U.S.C. § 283, ADM is entitled to a preliminary and permanent injunction against further infringement of the '316 and '647 patents by RIX.

91. RIX has deliberately and willfully materially misrepresented the source of its mounting system.

92. RIX's false and misleading acts and infringing activity have and will continue to cause irreparable and monetary harm to ADM unless enjoined.

Request for Relief

WHEREFORE, Plaintiff American Defense Manufacturing, LLC demands that judgment be entered in its favor and against Defendant Visir Inc. as follows:

- A. Adjudging that RIX has infringed the '316 and '647 patents;
- B. Adjudging that RIX's patent infringement is and has been willful;
- C. Adjudging that RIX has unfairly competed with ADM under both Texas and federal law;

- D. Adjudging that RIX has willfully infringed ADM's QD trademark under Texas and federal law;
- E. Preliminarily and permanently enjoining RIX and all those in active concert therewith, from infringing the '316 and '647 patents;
- F. Preliminarily and permanently enjoining RIX and all those in active concert therewith, from unfairly competing with ADM;
- G. Preliminarily and permanently enjoining RIX and all those in active concert therewith, from infringing ADM's QD trademark and using any confusingly similar trademarks;
- H. Awarding ADM its actual and statutory damages, multiples thereof, together with prejudgment interest, caused by RIX's patent and trademark infringement and unfair competition;
- I. Awarding ADM punitive damages, attorneys fees and costs; and
- J. Granting such other and further relief as the Court may deem appropriate.

Jury Demand

Plaintiff American Defense Manufacturing, LLC hereby demands a jury trial of all issues of fact not admitted by the Defendant.

Dated: March 27, 2025

/s/ Greg Love
Greg Love (SBN 24013060
Hon. Paul D. Stickney (Ret.)(SBN 00789924)
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